

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JACK HARRIS,

Plaintiff,

V.

DARCY OLIVER, caseworker

Nebraska penitentiary, each

defendant is sued individually and in

his or her official capacity at all times

mentioned in this complaint each

defendant acted under the color of

state law, and DOUG DILTZ,

Captain, Nebraska penitentiary, each

defendant is sued individually and in

his or her official capacity at all times

mentioned in this complaint each

defendant acted under the color of

state law,

Defendants.

4:06CV3017

MEMORANDUM
AND ORDER

At my request, Judge Kopf, the supervising pro se judge, has contacted Jessica L. Milburn who agreed to the appointment as plaintiff's counsel. Judge Kopf also advises that he has consulted with Chief Judge Bataillon and Judge Bataillon has authorized that appointed counsel be paid a fee and expenses from the Federal Practice Fund. Accordingly,

IT IS ORDERED that:

1. The motion to appoint counsel (filing 51) is granted and Jessica L. Milburn is appointed as counsel for the plaintiff. Jessica L. Milburn

shall immediately file an entry of appearance and proceed to represent the plaintiff accordingly.

2. Jessica L. Milburn will be compensated under the provisions of the Federal Practice Fund. Attorney fees from the Fund will be paid. They are limited to \$1,000 upon counsel's entry of appearance, and \$1,000 upon the completion of the case; that is, a total fee from the Fund of \$2,000 will be paid. Jessica L. Milburn shall also be entitled to expenses from the Fund, but such fees are to be approved by the undersigned. Counsel should consult the Guidelines for Appointed Counsel for Litigants Proceeding in Forma Pauperis As to Reimbursable Attorney Expenses from the Federal Practice Fund. (They are available at <http://www.ned.uscourts.gov/pom/> click on Court Plans/Polices and then Amended Plans for the Administration of the Federal Practice Fund and the Federal Practice Committee, and then scroll down to Exhibit A.) Should there be an award of attorney fees or costs, then, from any such award, the plaintiff and Jessica L. Milburn shall, before any other disbursement, reimburse the Fund for monies advanced from the Fund to Jessica L. Milburn for fees and expenses.
3. The Clerk of the Court shall serve notice of this order on counsel for the defendants via CM/ECF.
4. The Clerk of Court shall mail a copy of this order to Jessica L. Milburn at the following address: P. O. Box 6668, Lincoln, Nebraska 68506.
5. The Clerk of the Court shall mail a copy of this order to the plaintiff.
6. The Clerk of the Court shall provide Chief Judge Bataillon with a copy of this order.

7. The Clerk of the Court shall provide the Court's Administrative Services Supervisor, Pat Williamson, with a copy of this order.
8. Because counsel has been appointed, the Clerk of the Court shall now remove this case from the pro se docket.

August 6, 2007.

BY THE COURT:

s/ Warren K. Urbom

Senior United States District Judge